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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,469	12/12/2001	Ronald P. Sansone	F-435	4625

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EXAMINER

BADII, BEHRANG

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,469

Applicant(s)

SANSONE, RONALD P.

Examiner

Behrang Badii

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/12/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claims 1-16 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-4, 6-13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Alden, U.S. patent application publication 2003/0072469.

As per claim 1, Alden discloses an incoming mail monitoring system, said system comprises (abstract);

one or more data bases that stores unique information affixed to mail and identities of mailers (database storing information) (abstract, paragraph 17, fig's. 3-9);

a plurality of receptacles that reads and stores the unique information affixed to mail after the mail enters the interior of the receptacle (storing information) (abstract, paragraph 17, fig's. 3-9);

a data center that stores the unique information affixed to mail and receives the unique information from the receptacles to determine if the mailer is

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permitted to enter mail in the receptacle (storing information) (abstract, paragraph 17, fig's. 3-9); and

means coupled to the data center and the recipient of the mail for communicating to the recipient, information stored in the data center about the mail (transfer of data) (abstract).

As per claim 3, Alden discloses computer coupled to the data center via the Internet (abstract).

As per claim 4, Alden discloses wherein the recipient transmits recipient and mailer name and address information appearing on the mail to the data center (transfer of data) (abstract, paragraph 17, fig's. 3-9).

As per claim 6, Alden discloses wherein the receptacle units include a scanner that reads the mail (scanner that scans) (abstract, paragraph 17, fig's. 3-9).

As per claim 7, Alden discloses wherein the scanner is located in a control chamber (scanner in a chamber (holder)) (abstract, paragraph 17, fig's. 3-9).

As per claim 8, Alden discloses wherein the control chamber has a locked door for isolating suspect mail (separating mail (package, paper)) (abstract, paragraph 17, fig's. 3-9).

As per claim 9, Alden discloses an inner chamber that receives mail from the control chamber that is not suspected of having life- harming material (separating mail (package, paper)) (abstract, paragraph 17, fig's. 3-9).

As per claim 10, Alden discloses wherein the inner chamber has a locked door in which when open mail may be removed from the inner chamber

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(removing mail (package, paper) after it's been separated) (abstract, paragraph 17, fig's. 3-9).

As per claim 11, Alden discloses a slot for depositing mail into the control chamber (abstract, paragraph 17, fig's. 3-9).

As per claim 12, Alden discloses closing the slot when the mail in the control chamber is suspected of containing life harming substances (separating mail (package, paper)) (abstract, paragraph 17, fig's. 3-9).

As per claim 13, Alden discloses indicating a message indicating the status of the receptacle (exchanging message) (abstract, paragraph 17, fig's. 3-9).

As per claim 16, Alden discloses wherein the receptacle unit includes: means for informing the post of possibility of the presence of life harming material in the mail (exchanging data) (abstract, paragraph 17, fig's. 3-9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alden, U.S. patent application publication 2003/0072469 as applied to claim 1 above, and further in view of Bobrow et al., U.S. patent application publication 2002/0079371. Alden discloses an incoming mail

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monitoring system as described above. Alden does not disclose wherein the means comprises: a telephone; and a voice response unit that is coupled to the telephone and the data center. Bobrow et al. discloses wherein the means comprises: a telephone; and a voice response unit that is coupled to the telephone and the data center (paragraph 12, fig. 1). It would have been obvious to modify Alden to include a telephone, and a voice response unit that is coupled to the telephone and the data center such as that taught by Bobrow et al. in order to communicate with the data center through voice activated means concerning the incoming mail pieces.

As per claim 14, Bobrow et al. further discloses wherein the receptacles includes the **time** and **date** that the mail was deposited in the receptacle (paragraph 133, fig's 2 & 4).

As per claim 15, Alden further discloses wherein the receptacles, includes the location of the receptacle (abstract, paragraph 17, fig's. 3-9).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alden, U.S. patent application publication 2003/0072469 as applied to claim 1 above, and further in view of Rangan et al., U.S. patent application publication 2005/0034055. Alden discloses a mail monitoring system as described above. Alden does not disclose transmitting coded information. Rangan et al. discloses transmitting coded information. It would have been obvious to modify Alden to include transmitting coded information such as that taught by Rangan et al. in order to hide the true meaning of the information discloses.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 3-16 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of copending Application No. 10/015309 and claims 1-20 of copending Application No. 10/015464. Although the conflicting claims are not identical, they are not patentably distinct from each other because all three disclose a mail monitoring system, said system comprises:

- a data base that stores unique information affixed to mail;

- a plurality of receptacles that reads and stores the unique information contained in the postal indicia before the mail enters the interior of the receptacle; and

- a data center that receives information stored by the mailers' units and the receptacles to identify the mailer and assess the possibility of the presence of life-harming material in the mail.

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 09/683380 and over claims 1-8 of copending Application 09/683381. Although the conflicting claims are not identical, they are not patentably distinct from each other because all three disclose a mail monitoring system, said system comprises:

- a data base that stores unique information affixed to mail;

- a plurality of receptacles that reads and stores the unique information contained in the postal indicia before the mail enters the interior of the receptacle; and

- a data center that receives information stored by the mailers' units and the receptacles to identify the mailer and assess the possibility of the presence of life-harming material in the mail..

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,754,366. Although the conflicting claims are not identical, they are not

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patentably distinct from each other because both disclose a mail monitoring system, said system comprises:

a data base that stores unique information affixed to mail;

a plurality of receptacles that reads and stores the unique information contained in the postal indicia before the mail enters the interior of the receptacle; and

a data center that receives information stored by the mailers' units and the receptacles to identify the mailer and assess the possibility of the presence of life-harming material in the mail.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 703-305-0530. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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